OFFICE OF THE CITY ATTORNEY
Samuel J. Clark, City Attorney

CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

Civil Division
400 City Hall
15 West Kellogg Blvd.
Saint Paul, Minnesota 55102

Telephone: 651 266-8710
Facsimile: 651 298-5619

June 25, 2015

NOTICE OF VIOLATION

Karry Moua, Officer
Dragon Dollar Plus
315 University Avenue West, Unit C
Saint Paul, MN 55103

RE: Cigarette/Tobacco license held by Super KM 99 Cents, Inc. d/b/a Dragon Dollar Plus for the premises located at 315 University Avenue West, Unit C in Saint Paul
License ID #20130001045

Dear Licensee:

The Department of Safety and Inspections (DSI) has recommended adverse action against the Cigarette/Tobacco license held by Super KM 99 Cents, Inc. d/b/a Dragon Dollar Plus for the premises located at 315 University Avenue West, Unit C in Saint Paul. The basis for the recommendation is as follows:

> **On June 18, 2015, a tobacco compliance check was conducted at Dragon Dollar Plus located at 315 University Avenue West, Unit C. A sixteen year old male entered your establishment and asked to buy tobacco products. He was not asked to show his identification, which would have indicated he was underage. Nevertheless, the clerk sold him a package of Camel Crush cigarettes. Sale of tobacco to an underage person is a violation of Minn. Stat. § 609.685 and Saint Paul Legislative Code § 324.07(c).**

This is the third (3rd) violation for the sale of cigarettes to an underage person within the past eighteen (18) months; therefore, per Saint Paul Legislative Code §324.11 (b) (1) the licensing office will recommend an $800.00 matrix penalty and a seven (7) day suspension of your Cigarette/Tobacco license.

At this time you have three (3) options to proceed:

1. If you do not contest the imposition of the proposed adverse action, you may do nothing. If I have not heard from you by **Monday, July 6, 2015**, I will presume that you have chosen not to contest the proposed adverse action, and the matter will be placed on the City Council Agenda for approval of the proposed remedy.

2. If you wish to admit the facts but you contest the penalty, you may have a public hearing before the Saint Paul City Council. You will need to send me a letter with a statement admitting to the facts and requesting a public hearing. I will need to receive your letter no later than **Monday, July 6, 2015.** The matter will then be scheduled before the City Council for a public hearing to determine whether to impose the $800.00 matrix penalty and seven (7) day suspension of your Cigarette/Tobacco license. You will have an opportunity to appear before the Council and make a statement on your own behalf.

3. If you dispute the facts outlined above, you may request a hearing before an Administrative Law Judge (ALJ). You will need to send me a letter disputing the facts and requesting an administrative hearing by **Monday, July 6, 2015.** At that hearing both you and the City will appear and present witnesses, evidence and cross-examine each other's witnesses. After receipt of the ALJ's report (usually within 30 days), a public hearing will need to be scheduled. At that time, the City Council will decide whether to adopt, modify or reject the ALJ's report and recommendation.

   Please note: If you choose an administrative hearing, the Department of Safety and Inspections reserves the Right to request that City Council impose the costs of the administrative hearing per Saint Paul Legislative Code § 310.05 (k).

If you have not contacted me or DSI by Monday, July 6, 2015, I will assume that you are not contesting the imposition of the $800.00 matrix penalty and seven (7) day suspension of your Cigarette/Tobacco license. In that case, the matter will be placed on the City Council Consent Agenda for approval of the recommended penalty.

Please be advised you were identified as the clerk who made the sale on this date and will also be charged an additional $50.00 administrative penalty pursuant to Minn. Stat. §461.12, subd. 3. This is a separate action from this license matter.

If you have any questions, please feel free to contact me at (651) 266-8710.

Sincerely,

Geoffrey Karls/gk

Geoffrey Karls
Assistant City Attorney

Cc: Dan Niziolek, Deputy Director - DSI
Karry Moua, 855 Mark Avenue North, Lake Elmo, MN 55042
Sam Buffington, Community Organizer, Frogtown Neighborhood Association (District 7)
685 Minnehaha Avenue West, St. Paul, MN 55104

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

AFFIDAVIT OF SERVICE BY U.S. MAIL

Julie Kraus, being first duly sworn, deposes and says that on the 25th day of June she served the attached **NOTICE OF VIOLATION** and correct copy thereof in an envelope addressed as follows:

Karry Moua, Officer
Dragon Dollar Plus
315 University Avenue West, Unit C
Saint Paul, MN 55103

Karry Moua
855 Mark Avenue North
Lake Elmo, MN 55042

Sam Buffington, Community Organizer
Frogtown Neighborhood Association (District 7)
685 Minnehaha Avenue West
St. Paul, MN 55104

(which is the last known address of said person) depositing the same, with postage prepaid, in the United States mail at St. Paul, Minnesota.

Julie Kraus
Julie Kraus

Subscribed and sworn to before me
this 25th day of June, 2015

Rita M. Bossard
Notary Public

RITA M. BOSSARD
NOTARY PUBLIC - MINNESOTA
My Commission Expires
January 31, 2020